IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 4698 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MOHAN JOSHI & 2 - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR PRANAV G DESAI for Applicant(s) : 1 - 3.
Mr HL Jani, Addl.PUBLIC PROSECUTOR for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 1 - 2.
MR VD PARGHI for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 29/03/2007

ORAL JUDGMENT

1. Invoking the provisions of section 482 of the Code of Criminal Procedure, 1973 (for short, "the

Code"), the petitioners have prayed for quashing the FIR registered as C.R. No.3121/97 in Valsad City police station wherein allegations of offences punishable under sections 507 and 114 of Indian Penal Code, 1860 and section 3(1) (9) (10) of The Scheduled Castes & The Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Act") are made to implicate accused No.1 to 11. Out of them, first three accused persons have filed the present petition on the basis that no allegation whatsoever is made in the FIR against them and the investigation or prosecution against the petitioners would be an abuse of the process of court.

2. After perusal of the FIR, it was fairly conceded on behalf of the respondent that no allegation of any action or inaction on the part of the petitioners was made in the FIR and the FIR was lodged and required to be read in the context of the order issued by the Bank, of which the petitioners are higher officers, to suspend the original complainant. Therefore, it appears that the petitioners are implicated with ulterior motive of

pressurising them or avenging them for the initiation of disciplinary action against the complainant. Therefore, it is obvious that not only that no offence is disclosed in the FIR as far as the petitioners are concerned, but the complaint is a motivated attempt at harassing and pressurising the petitioners.

3. Therefore, in the facts and for the reasons discussed hereinabove, the petition is allowed and the FIR registered as C.R. No.3121 of 1997 in Valsad police station, as far as it concerns the petitioners, is quashed. Rule is made absolute accordingly and interim relief is vacated with no order as to costs.

sd/-
[D. H. Waghela, J.]

msp